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Atty. Dkt. 213202.00195

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
DONALD R. RICCI) Examiner: Bruce E. Snow
Application No.: 09/780,940) Group Art Unit: 3738
Filed: February 12, 2001)
For: STENT DELIVERY SYSTEM) May 3, 2004
AND METHOD OF USE)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE ERRONEOUSLY ABANDONED APPLICATION

Sir:

In response to the erroneous Notice of Abandonment mailed April 1, 2004, Applicants respectfully petition the Commissioner to revive the subject application on the grounds that Applicants timely filed a response by the due date of February 28, 2004 (actually filed March 1, 2004 due to February 28, 2004 being a weekend date). A Notice of Appeal and Petition Under 37 CFR 1.136(a) for a three month extension of time were filed March 1, 2004. Attached are the filed documents, along with a copy of the date stamped

05/04/2004 CCHAU1 00000184 501710 09780940

01 FC:1460 130.00 DA

postcard bearing the PTO datestamp of March 1, 2004. A copy of the April 1, 2004 Notice of Abandonment is also attached.

Further, an Amendment was filed April 7, 2004 responding to the outstanding final office action of August 28, 2004. Attached please find a copy of the Amendment, along with a copy of the datestamped postcard bearing the PTO datestamp of April 7, 2004.

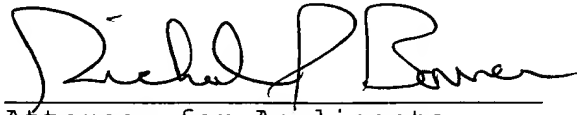
Applicants respectfully request that the above-identified application be returned to pending status in light of the above facts.

Applicants also respectfully request that no fee is due. However, if a fee is due, the Commissioner is hereby authorized to charge Deposit Account 50-1710 for the \$130.00 petition fee. A duplicate copy of this paper is attached.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-

3507. All correspondence should continue to be directed to
the address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel P. Bower". The signature is fluid and cursive, with a large initial "D" and a stylized "P".

Attorney for Applicants

Registration No. 31.588

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061



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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: 04 / 07 / 2004
Mo. Day Yr.

Atty. Docket No. 213262,00195

Application No. 09/780,940

Sir:

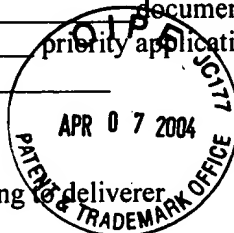
Kindly acknowledge receipt of the accompanying:

- ☒ Response to Official Action, dated August 28, 2003
☐ Charge/Check for \$ _____
☐ Petition Under 37 C.F.R. § 1.136 and Charge/Check for \$ _____
☐ Notice of Appeal and Charge/Check for \$ _____
☐ Information Disclosure Statement, PTO-1449 and _____ documents
☐ Claim for Priority and Certified copies of _____ priority applications
☐ Issue Fee Transmittal and Charge/Check for \$ _____
☒ Other (specify) Amendment Transmittal

by placing your receiving date stamp hereon and returning to deliverer

Atty./Sec.: RPB:wpj

Due Date: 05 / 01 / 2004
Mo. Day Yr.





In re Application of:

DONALD R. RICCI

Application No.: 09/780,940

Filed: February 12, 2001

For: STENT DELIVERY SYSTEM AND
METHOD OF USE

Docket No.: 213202.00195

Examiner: Bruce E. Snow

Group Art Unit: 3738

Confirmation No.: 1694

Date: April 7, 2004

MAIL STOP AFTER FINAL

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

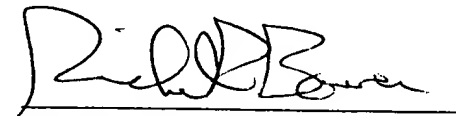
☒ No additional fee is required.

The fee has been calculated as shown below:

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	18	MINUS	22	= 0	x \$ 9 \$18	\$ 0.00
INDEP. CLAIMS	2	MINUS	3	= 0	x \$43 \$86	\$ 0.00
Fee for Multiple Dependent claims \$145°/\$290						
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT---						\$ 0.00

☐ Verified Statement claiming small entity status is enclosed, if not filed previously.

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Charge the amount of \$_____ to Deposit Account No. 50-1710 to cover the additional claims fee. A duplicate copy of this sheet is enclosed.
- ☒ Any prior general authorization to charge an issue fee under 37 C.F.R. § 1.18 to Deposit Account No. 50-1710 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 50-1710. A duplicate copy of this paper is enclosed.
- ☐ Charge the amount of \$_____ to Deposit Account No. 50-1710 to cover the Extension fee for response within _____ months. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \$_____ to Deposit Account No. 50-1710 to cover the Information Disclosure Statement fee. A duplicate copy of this sheet is enclosed.
- ☒ Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our below-listed address.



Attorney for Applicant
Richard P. Bauer
Registration No. 31,588

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061



Atty. Dkt. 213202.00195

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
DONALD R. RICCI)	Examiner: Bruce E. Snow
Application No.: 09/780,940)	Group Art Unit: 3738
Filed: February 12, 2001)	Confirmation No.: 1694
For: STENT DELIVERY SYSTEM)	
AND METHOD OF USE)	April 7, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the August 28, 2003 final Office Action, the date for responding to which has been extended until May 1, 2004 by the filing of a Notice of Appeal and a Petition for Three Months Extension of Time on March 1, 2004 (Monday), please enter the following amendments.

I. Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

II. Remarks begin on page 10 of this paper.

I. Amendments to the Claims

This listing of claims replaces without prejudice all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (Currently Amended) A balloon dilation catheter comprising:

a tubular member having a proximal end and a distal end;

an inflatable balloon disposed at the distal end of the tubular member;

a first lumen disposed in the tubular member and in communication with an interior of the inflatable balloon;

a second lumen disposed in the tubular member for receiving a guidewire along at least a portion of its length, the second lumen having a first opening in ~~the~~ a proximal region of the tubular member; ~~and~~

a first slit disposed longitudinally in the tubular member and extending along at least a portion of the tubular member, the first slit comprising a first pair of longitudinal edges in a side by side relationship, the

tubular member being constructed of a resilient material such that, as the guidewire is separated from the second lumen, the longitudinal edges are biased open from a first position to a second position having a gap greater than or equal a diameter of the guidewire, wherein the second lumen: (i) further comprises a second opening disposed between a distal end of the first slit and the inflatable balloon, and (ii) is circumferentially continuous in the region of the tubular member between the second opening and the inflatable balloon; and

an adapter attached to the proximal region of the tubular member, the adaptor comprising a valve having a second slit and third lumen for receiving the guidewire, the second lumen and the third lumen in communication with one another.

Claim 2 (Original) The balloon dilation catheter defined in claim 1, wherein, in the first position, the first pair of longitudinal edges are in an abutting relationship.

Claim 3 (Previously Presented) The balloon dilation catheter defined in claim 1, wherein, in the first position, the first pair of longitudinal edges are in spaced

relationship, a space between the longitudinal edges being less than the diameter of the guidewire.

Claim 4 (Currently Amended) The balloon dilation catheter defined in claim 1, wherein the first slit extends from the first opening to adjacent the second opening.

Claims 5-6 (Cancelled)

Claim 7 (Currently Amended) The balloon dilation catheter defined in claim ~~6~~ 1, wherein the second slit comprises a second pair of longitudinal edges in a side by side relationship, the valve being constructed of a resilient material such that, as the guidewire is separated from the third lumen, the longitudinal edges are biased open from a first position to a second position having a gap greater than or equal a diameter of the guidewire.

Claim 8 (Currently Amended) The balloon dilation catheter defined in claim 7, wherein, in the first position, the second pair of longitudinal edges are in an abutting relationship.

Claim 9 (Original) The balloon dilation catheter defined in claim 7, wherein, in the first position, the second pair of longitudinal edges are in spaced relationship, a space between the longitudinal edges being less than the diameter of the guidewire.

Claim 10 (Currently Amended) The balloon dilation catheter defined in claim ~~6~~ 1, wherein the first slit and the second slit are in substantial longitudinal alignment.

Claims 11 (Currently Amended) The balloon dilation catheter defined in claim 1, wherein the inflatable balloon ~~comprises~~ includes a third slit in substantial alignment with the first slit.

Claim 12 (Currently Amended) The balloon dilation catheter defined in claim 1, wherein the tubular member comprises a fourth lumen for receiving a stiffening member.

Claim 13 (Currently Amended) The balloon dilation catheter defined in claim 12, further comprising a ~~the~~ stiffening member disposed in the third lumen.

Claim 14 (Original) The balloon dilation catheter defined in claim 1, wherein the first lumen and the second

lumen each comprise a passageway having a substantially circular cross-section disposed in a substantially solid tubular member.

Claim 15 (Currently Amended) The balloon dilation catheter defined in claim 1, wherein one of the first lumen and the second lumen comprises a passageway having a substantially circular shaped cross-section disposed in a substantially solid tubular member, and the other lumen comprises a passageway having a substantially semi-circular shaped cross-section disposed in a substantially solid tubular member.

Claim 16 (Cancelled).

Claim 17 (Currently Amended) The balloon dilation catheter defined in claim 1, wherein the first slit extends along a proximal portion of the length of the tubular member.

Claim 18 (Cancelled).

Claim 19 (Previously Presented) The balloon dilation catheter defined in claim 1, wherein the second opening comprises a ramp to direct a proximal end of the

guidewire through the second opening as the guidewire is moved proximally in the second lumen.

Claim 20 (Original) A catheterization kit comprising:

- a guide catheter;
- a guide wire; and
- the balloon dilation catheter defined in claim 1.

Claim 21 (Original) A stent-mounted balloon catheter comprising:

- the balloon dilation catheter defined in claim 1
- and a stent mounted on the inflatable balloon of the catheter.

Claim 22 (Currently Amended) A balloon dilation catheter comprising:

- a tubular member having a proximal end and a distal end;

- an inflatable balloon disposed at the distal end of the tubular member;

- a first lumen disposed in the tubular member and in communication with an interior of the inflatable balloon;

a second lumen disposed in the tubular member for receiving a guidewire along at least a portion of its length, the second lumen having (i) a first opening in ~~the~~ a proximal region of the tubular member and (ii) a second opening at ~~the~~ a distal region of the tubular member disposed between the distal end of the first slit and the inflatable balloon, the second lumen being circumferentially continuous in the region of the tubular member between the second opening and the inflatable balloon;

a first slit disposed longitudinally in the tubular member and extending along at least a portion of the tubular member, the slit permitting withdrawal of the guidewire from the second lumen; and

an adapter attached to the proximal region of the tubular member, the adaptor comprising a valve ~~comprising~~ having a second slit and third lumen for receiving the guidewire, the second lumen and the third lumen in communication with one another, the second slit comprising a pair of longitudinal edges in a side by side relationship, the valve being constructed of a resilient material such that, as the guidewire is separated from the third lumen, the longitudinal edges are biased open from a first position to a second position having a gap greater than or equal a diameter of the guidewire.

II. Remarks

Reconsideration and allowance of the subject application are respectively requested.

Claims 1-4, 7-15, 17, and 19-22 are pending, with Claims 1 and 22 being independent.

All claims were rejected under 35 U.S. C. 112, second paragraph, for the reasons discussed on page two of the Office Action. Applicant respectfully traverses this rejection on the ground that the person of ordinary skill in the art would not be confused as to the meaning or scope of the claims. Nevertheless, Claim 1 has been amended for clarity with respect to the specification and Drawings, and not in response to any statutory requirement.

Claims 1-3, 5, 14, 15 17 and 19-21 were rejected as being unpatentable over Jang, for the reasons discussed on pages three and four of the Office Action. However, the Examiner kindly indicated that Claims 6-10 contain allowable subject matter. Therefore, while specifically traversing the art rejections, and preserving Applicant's right to file a continuation application to pursue the broad but patentable claims, Applicant has incorporated subject matter from the allowable dependent Claim 6 into the independent Claims 1 and 22, solely to secure immediate allowance thereof.

Note that Applicant has amended withdrawn-from-consideration Claims 11-13 so that allowable independent

Claim 1 is at least generic to the species covered by those amended dependent claims. Therefore, consideration and allowance of these claims is also respectfully requested.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



Attorney for Applicant
Richard P. Bauer
Registration No. 31,588

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061



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P.O. Box 1450
Alexandria, VA 22313-1450

Date: 3 / 1 / 04
Mo. Day Yr.

Atty. Docket No. 213202.195

Application No. 09/180,940

Sir:

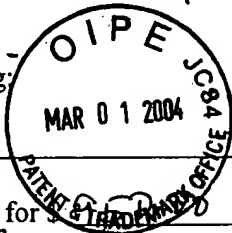
Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action, _____
- ☐ Charge/Check for \$ _____
- ☒ Petition Under 37 C.F.R. § 1.136 and Charge/Check for \$ _____
- ☒ Notice of Appeal and Charge/Check for \$ 330.00
- ☐ Information Disclosure Statement, PTO-1449 and _____ documents
- ☐ Claim for Priority and Certified copies of _____ priority applications
- ☐ Issue Fee Transmittal and Charge/Check for \$ _____
- ☐ Other (specify) _____

by placing your receiving date stamp hereon and returning to deliverer.

Atty./Sec.: RPB/lem

Due Date: 2 / 28 / 04
Mo. Day Yr.





413202.00195

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
DONALD R. RICCI	:	Examiner: Bruce E. Snow
)	
Application No.: 09/780,940	:	Group Art Unit: 3738
)	
Filed: February 12, 2001	:	
)	
For: STENT DELIVERY SYSTEM	:	March 1, 2004
AND METHOD OF USE	:	
)	
	:	
)	

Mail Stop After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.136(a)

Sir:

Applicant petitions the Commissioner of Patents to extend the time for response to the Office Action dated August 28, 2003 for three (3) months from November 28, 2003 to March 1, 2004.

Please charge Deposit Account No. 50-1710 \$950.00 to cover the fee for the extension under 37 C.F.R. § 1.17. Any deficiency in or overpayment of this fee should be charged or credited to Deposit Account No. 50-1710. A duplicate copy of this petition is enclosed.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Rosenman", written over a horizontal line.

Attorney for Applicant
Registration No. 31,588

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061



Docket No. 213202.00195
Date: March 1, 2004

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: DONALD R. RICCI

Application No.: 09/780,940

For: STENT DELIVERY SYSTEM AND METHOD OF USE

Filed: February 12, 2001

Group Art Unit: 3738

MAIL STOP AF

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated August 28, 2003 of the Primary Examiner finally rejecting Claims 1-3, 5-10, 14-15, 17 and 19-22.

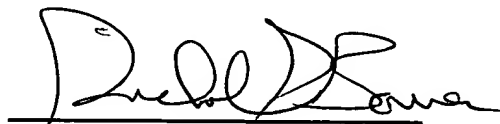
The items checked below are appropriate.

1. ☒ A Petition for a three month extension of time to respond to the final rejection, together with the \$ 950.00 extension fee under 37 C.F.R. § 1.17, is being filed concurrently herewith.
2. ☐ A Petition for an additional _____ month extension of time to take further action, together with the \$ _____ extension fee under 37 C.F.R. § 1.17, was filed on _____.

(January 15, 2004)

3. ☒ Fee \$330.00
- ☐ Fee \$165.00 (Verified Statement claiming small entity status is enclosed, if not filed previously.)
- ☐ Enclosed
- ☐ Not required (fee paid in prior appeal)
- ☒ Charge to Deposit Account No. 50-1710 (One additional copy of this Notice is enclosed herewith)
4. ☒ The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 or 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 50-1710. A duplicate copy of this paper is enclosed.
5. ☒ Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicant
Richard P. Bauer
Registration No. 31,588

PATENT ADMINISTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 West Monroe Street
Suite 1600
Chicago, Illinois 60661-3693
Facsimile: (312) 902-1061

(January 15, 2004)



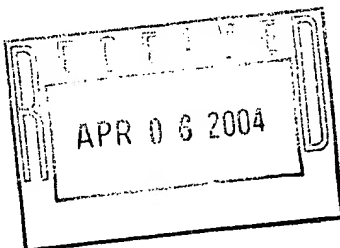
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,940	02/12/2001	Donald R. Ricci	213202.00195	1694

27160 7590 04/01/2004

PATENT ADMINSTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
SUITE 1600
CHICAGO, IL 60661-3693



EXAMINER

SNOW, BRUCE EDWARD

ART UNIT PAPER NUMBER

3738

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED	
CMID	
Action Type	<i>Petition to Reopen</i>
Due/Final Dates	<i>5-1-04</i>
Atty <i>RMB</i>	Sec
Docketed by <i>MLP</i>	Date <i>4-9-04</i>

** Mail rec'd from
Chicago 4/8/04*



Notice of Abandonment

Application No.

09/780,940

Examiner

Bruce E Snow

Applicant(s)

RICCI, DONALD R.

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 28 August 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

BRUCE SNOW
PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.